

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLACK LIVES MATTER SEATTLE-KING  
COUNTY, ABIE EKENEZAR, SHARON  
SAKAMOTO, MURACO KYASHNA-  
TOCHA, ALEXANDER WOLDEAB,  
NATHALIE GRAHAM, and ALEXANDRA  
CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

NO. 2:20-cv-00887

DECLARATION OF CAPTAIN MATT  
ALLEN

I, MATT ALLEN, hereby declare as follows:

1. I am over the age of 18 years old and am a citizen of the United States. I have personal knowledge of the facts set forth herein and am competent to testify to them at trial.

2. I am a Captain with the Seattle Police Department West Precinct. I began my career with the Seattle Police Department (“SPD”) in 1991. During my time with SPD, I have held various positions with the Department, including working Patrol Operations at the North, East and South Precincts, SWAT, and most recently, the Crisis Intervention Team Commander. I have extensive

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1 experience working across the Department and with local, state and federal law enforcement and  
2 other officials on various complex projects and contributed to changes in SPD's Crisis Intervention  
3 policy.

4 3. This declaration is not intended to be an exhaustive description of my actions or  
5 observations from the September 23, 2020 demonstration events described below. This  
6 declaration is intended to provide the Court with information pertinent to the Plaintiffs' arguments  
7 that the City of Seattle violated this Court's Preliminary Injunction. The focus of this declaration  
8 will be on events of September 23, 2020.

9 4. In summarizing the declaration below, I relied on my memory, field notes, the  
10 Incident Action Plan, department emails, and the Seattle Police Operations Center ("SPOC") log  
11 to assist me in writing.

12 5. On September 23, 2020, I received a department-wide email advising that a  
13 decision from the Jefferson County (Kentucky) Grand Jury regarding the Breonna Taylor case was  
14 expected to be presented that day, and it was anticipated that demonstrations would occur  
15 throughout the day and evening as a result. I received information of two "Justice For Breonna  
16 Taylor" protests scheduled for 1900 hours that evening. One was being held at Cal Anderson Park  
17 (located at 1635 11 Ave) and the other was being held at Westlake Park (located at 401 Pine St.).  
18 Additionally, there was a separate rally scheduled for 1900 hours at Broadway Ave and E. Pine  
19 St., called "Solidarity Against Political Repression."

20 6. That morning, Assistant Chief Mahaffey advised that I would be the Incident  
21 Commander for the evening.

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1           7.       At some point, I received information that, according to the protest organizers  
2 and/or social media chatter, the protest at Westlake Park was supposed to be a peaceful candlelight  
3 vigil for Breonna Taylor and the protest at Cal Anderson was for those looking to engage in more  
4 direct action.

5           8.       During roll call, I explained, among other things, our response plan/rules of  
6 engagement if we observed any acts of violence and/or significant property damage. If there were  
7 acts of violence or significant property destruction, our plan was to respond by identifying,  
8 isolating, and arresting the offenders if/when it was safe and feasible, so that those activities were  
9 not allowed to corrupt the lawful conduct of others. If/when I determined it was no longer safe or  
10 feasible to hold people personally accountable for criminal conduct and/or the crowd presented an  
11 imminent risk to public safety or significant property destruction appeared likely, then I would  
12 issue dispersal orders and we would use coordinated crowd control tactics that are consistent with  
13 law, policy, and training to restore order. This includes consistency with this Court's Orders.

14           9.       I began monitoring the demonstration events from my department-issued vehicle  
15 with Lieutenant Brooks and Sergeant Chartrand in my vehicle.

16           10.      Per the SPOC Log, at approximately 1921 hours there were about one hundred  
17 people gathered at Westlake Park. Also per the SPOC Log, at approximately 1923 hours, there  
18 were about sixty to eighty people in Cal Anderson Park heading eastbound on Olive, likely towards  
19 the East Precinct. At about this same time, we learned that the group at Westlake Park was  
20 associated with the Every Day March (EDM) and the group at Cal Anderson appeared to be  
21 associated with "Black Bloc." "Black Bloc" is known to be associated with the anarchist

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1 movement wherein people dress in black from head to toe to help conceal their identities from law  
2 enforcement during large demonstrations.

3 11. Per the SPOC Log, by approximately 2017 hours, I advised Radio that there were  
4 two hundred people in the Cal Anderson group and another two hundred people in the Westlake  
5 Park group. The Cal Anderson group was moving southbound on Broadway Ave. and then  
6 westbound on Madison St. My vehicle followed behind the group and as we drove southbound on  
7 Broadway Ave. between Pike St. and Madison St.

8 12. Per the SPOC Log, at approximately 2029 hours, people in the Cal Anderson group  
9 were throwing rocks at the Amazon Go store (located at 1122 Madison St.), and Lieutenant Brooks  
10 directed the Third Watch Task Force personnel to follow two blocks behind with their emergency  
11 lights activated. Meanwhile, we were advised that the Westlake Park group was headed eastbound  
12 on Olive St. At about the same time, we received information that people in the Cal Anderson  
13 group were committing property destruction at the Starbucks located at 1101 Madison St. The Cal  
14 Anderson group then continued heading westbound on Madison St., with several support vehicles  
15 trailing behind them. My concern at that time was to be able to safely and effectively respond to  
16 any further acts of significant property damage

17 13. Per the SPOC Log, at approximately 2038 hours we received information that the  
18 Cal Anderson group was planning an attack on SPD and preparing for arrest. They were reportedly  
19 waiting until they arrived at 5<sup>th</sup> Ave and Madison St. Per the SPOC Log, at approximately 2042  
20 hours a splinter group was planning to turn northbound on 4<sup>th</sup> Ave. from Madison and then double-  
21 back to attack SPD.

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1           14. Per the SPOC Log, at approximately 2045 hours, additional reports of property  
2 damage came in. Based on the significant damage I had observed at the Starbucks on Madison  
3 St., coupled with the additional information of property damage, I used the public address system  
4 in my vehicle to issue immediate dispersal orders in an effort to restore order and maintain public  
5 safety. At approximately 2047 hours, the group turned southbound to face the police. In response,  
6 the SPD bicycle officers reportedly got on a line to move the group forward. At approximately  
7 2050 hours, I advised Radio that I had issued multiple dispersal orders when the group was just  
8 north of 4<sup>th</sup> Ave and Spring St. due to the property damage.

9           15. Per the SPOC Log, at approximately 2052 hours officers were reportedly taking  
10 rocks, meaning people were throwing rocks at them. Moments later, someone announced there  
11 was property damage at the University of Washington Book store located at 1319 4<sup>th</sup> Ave. Based  
12 on the property damage, coupled with the reported assaults against the officers, I issued additional  
13 dispersal orders via the PA system in my car. We continued moving the crowd northbound on 4<sup>th</sup>  
14 Ave. to try to prevent them from assaulting officers further or committing additional property  
15 destruction. It is harder (though not impossible) for violent individuals in the crowd to mount an  
16 effective attack when continuously on the move.

17           16. The Cal Anderson group eventually turned eastbound on Pike St. from 4<sup>th</sup> Ave. Per  
18 the SPOC Log, at approximately 2057 hours there was a suspect throwing rocks, and Lieutenant  
19 Dymment had eyes on the perpetrator (meaning he was observing him), and the Task Force personnel  
20 moved in for the arrest.

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1           17. Per the SPOC Log, at approximately 2057 hours I notified Radio that I gave an  
2 additional dispersal order at 5<sup>th</sup> Ave. and Pike St. Given the property destruction and violence  
3 against officers, we continued moving the group eastbound on Pike St. The group then turned  
4 southbound on 6<sup>th</sup> Ave. Meanwhile, the Westlake Park group was reportedly gathered in front of  
5 the Federal Court House. At approximately 2102 hours, someone from the group threw a bottle at  
6 officers at 6<sup>th</sup> Ave. and University St., but thankfully did not hit anyone. We continued to follow  
7 behind the group, but they made it difficult by throwing countless traffic cones, signs, and other  
8 loose objects into our path.

9           18. At approximately 2117 hours, the Task Force Officers shut off their sirens so the  
10 bicycle officers could hear their radios better. At about this same time, we relocated to the parking  
11 lot of the Shell gas station located on the northeast corner of Broadway Ave. and Pike St. From  
12 that vantage point, I observed the Cal Anderson group marching northbound on Broadway Ave.,  
13 cross Pike St., and continue heading up the minor grade towards Pine St. The bicycle officers  
14 were trailing well behind the group, and the Patrol Task Force officers were behind the bicycle  
15 officers.

16           19. As the Cal Anderson group continued towards Pine St., we received information  
17 that the group was preparing to turn around and attack officers, as discussed earlier. Per the SPOC  
18 Log, at approximately 2121 hours we received information from our Intel personnel that the group  
19 was talking about “doing some cooking.” I did not know what that meant exactly, but it was  
20 concerning given there had been numerous protests over the past several months wherein  
21 individuals have thrown large fireworks at officers resulting in injuries and other times people

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1 have thrown Molotov Cocktails at officers and SPD facilities; specifically the East Precinct. At  
2 approximately 2122 hours we learned that the Cal Anderson group were returning to Cal Anderson  
3 Park where they planned to readjust for ten minutes before heading to the East Precinct. While  
4 the group was in Cal Anderson Park we remained in the area to monitor.

5 20. At approximately 2153 hours, the Cal Anderson group marched through the  
6 neighborhood, and some people were shining flashlights into homes. The group continued  
7 marching around and eventually ended up heading southbound on Broadway Ave. from Thomas  
8 St. We trailed behind the group without our emergency equipment activated, monitoring for any  
9 further acts of violence or property damage. As the group continued southbound on Broadway  
10 Ave., I observed several individuals separate from the larger body and do something to the  
11 plywood covering the windows at the Bank of America located at 230 Broadway Ave E. I  
12 suspected they were doing graffiti and when we drove by, I observed graffiti on said location. I  
13 broadcasted the information but did not make a note of what the graffiti said.

14 21. Per the SPOC Log, at approximately 2222 hours the Cal Anderson group was  
15 reportedly putting up an umbrella wall toward the front of the crowd. I do not have a memory of  
16 hearing this broadcast, however, this is concerning for the following reasons. In this context,  
17 protesters typically are not using their umbrellas due to inclement weather but rather to conceal  
18 whatever activity is occurring behind them. Alternatively, umbrellas have been used to thwart law  
19 enforcement's efforts to effectively deploy OC pepper spray and/or blast balls, when necessary, to  
20 stop assaultive behavior and/or significant property damage. Finally, some umbrellas used during  
21 protests may have long pointy tips that can cause pain and/or injury if/when officers attempt to

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1 push past them. Umbrella clusters may be used to create a shield wall to obstruct officers'  
2 movements. The wall may also hinder officers' ability to see, engage, and/or avoid being struck  
3 with objects.

4 22. Per the SPOC Log, at approximately 2232 hours the Cal Anderson group was  
5 moving to 11<sup>th</sup> Ave and E. Pine St. and a smaller contingent gathered by the East Precinct Sally  
6 Port. Lieutenant Brooks, Sergeant Chartrand, and I were at 10<sup>th</sup> Ave. and E. Pine St. monitoring  
7 the group and noticed people were moving signs, boards, a dumpster, and seemingly anything else  
8 they could find, into the intersection. We received information that they were waiting for people  
9 from the Westlake Park group to join them. We observed people arriving in the area and join the  
10 group at 11<sup>th</sup> Ave. and E. Pine St. At approximately 2242 hours, we estimated there were about  
11 two hundred people in the crowd. SPD personnel continued to monitor from a distance to avoid  
12 conflicts.

13 23. Per the SPOC Log, at approximately 2244 hours someone threw a firework into the  
14 East Precinct Sally Port, but thankfully there were no reported injuries at that time. The Sally Port  
15 is secured with a metal retractable gate, but it is not a solid gate. There are slats so one can clearly  
16 see into the Sally Port area. The person who discharged the firework was identified and observed  
17 by officers.

18 24. At approximately 2250 hours, I gave two warnings via the PA system in my car to  
19 stop launching pyrotechnics at the precinct as they were causing a public safety hazard. At some  
20 point, we asked via Radio if there were any officers present in the Sally Port when the firework  
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1 detonated, and we were told yes. Per the SPOC Log, officers' ears were injured during the firework  
2 blast.

3 25. Officers still had a visual on the suspect who discharged the firework. He was still  
4 in the 1100 block of Pine St. At about 2300 hours, I authorized officers to move in and attempt to  
5 arrest the suspect. The bicycle officers led the way and the officers in patrol vehicles were right  
6 behind them. As the officers rounded the corner heading northbound on 12<sup>th</sup> Ave to westbound  
7 on E. Pine St. and started closing in, the suspect managed to escape back into the crowd. The  
8 suspect eventually continued out the other side and fled the area but was apprehended by detectives  
9 shortly thereafter.

10 26. At that point in time, we had bicycle officers facing the crowd at 11<sup>th</sup> Ave. and E.  
11 Pine St. They were holding a line so we could get all the Patrol vehicles backed out. Per the  
12 SPOC Log, at approximately 2303 hours officers were reportedly taking glass bottles and beer  
13 cans. It seemed like it took a while, but we eventually got all the patrol vehicles backed away,  
14 which left just the bicycle officers backed by SWAT personnel at the line, facing the protesters.  
15 SWAT personnel sent a Tahoe to pick-up their teammates, which left just the bicycle officers  
16 standing on the line. The bicycle officers then attempted to break contact but as they turned to  
17 leave, some of the individuals in the protest crowd advanced after them. However, at that time, it  
18 looked like they all managed to get away from the protesters. As described below, an officer was  
19 injured.

20 27. Per the SPOC Log, at approximately 2312 hours we received information that  
21 possible Molotov Cocktails were being prepared at the hotdog stand located on the northeast corner

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1 of 11<sup>th</sup> Ave. and E. Pine St. and that protesters were reportedly setting up fortifications at 11<sup>th</sup> Ave  
2 and E. Pine St. A couple minutes later, protesters were reportedly putting street signs, cones, and  
3 debris in the middle of the street.

4 28. While this was all happening, Sergeant Marion approached our vehicle at 12<sup>th</sup> Ave.  
5 and E. Pine Street. He notified us that one of our officers got struck in the back of the head with a  
6 bat by one of the protesters during the above-mentioned tactical withdrawal. We regrouped on  
7 12<sup>th</sup> Ave and had the Seattle Fire Department respond to treat the officer who got hit in the head  
8 with the bat. I met with the officer who was assaulted with the bat to check on his condition and  
9 ask him what happened. He explained that they had attempted to arrest the suspect who threw the  
10 firework and at some point, he got tripped-up. The crowd started advancing on him and he had to  
11 use OC spray to defend himself. He then turned and got hit in the head. Seattle Fire Department  
12 (SFD) personnel needed to evaluate him, so I allowed them to do so. While there, I also learned  
13 that an officer got struck with a crate. It was unclear to me whether people were saying the  
14 assaulted officer got hit with the crate in addition to the bat or if another officer got hit with a crate.  
15 While we were in the 1500 block of 12<sup>th</sup> Ave., numerous protesters rounded the corner at 12<sup>th</sup> Ave.  
16 and E. Pine St. and at least one individual was yelling at us for leaving one of our own behind to  
17 be assaulted. The group started proceeding southbound on 12<sup>th</sup> Ave from E. Pine St. so we all  
18 headed southbound to avoid further conflicts.

19 29. We repositioned ourselves in the 1200 block of E. Pine St., where we met with  
20 Lieutenant Dymont. We all faced westbound and monitored the crowd who was still gathered at  
21 11<sup>th</sup> Ave. and E. Pine St. As we monitored the group from this distance, I noticed persons from

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1 the crowd had started a fire in the roadway. The fire appeared to be situated in the east crosswalk  
2 and was growing rapidly to a substantial size. This was concerning, because this intersection is not  
3 in a remote area of the city. There are businesses on three of the four corners of that intersection  
4 and the one on the southeast corner, that was nearest to the fire, abuts a residential building. I did  
5 not know exactly what they were burning, but it was likely the various signs, boards and other  
6 material we had witnessed them gathering earlier and I believed the size of the fire posed an  
7 immediate risk to public safety. It was not safe nor feasible to wait any longer and allow people  
8 more time to build the flames higher, thus I told Lieutenant Brooks I was declaring an unlawful  
9 assembly and I directed him to move officers in to safeguard property and restore order by  
10 extinguishing the flames and dispersing the crowd to prevent further unlawful and dangerous  
11 behavior.

12 30. Lieutenant Brooks followed my direction and Lieutenant Dymont and A/Lieutenant  
13 Moore directed their respective personnel to move in. The bicycle officers led the way with the  
14 Patrol Task Force personnel vehicles right behind them. The Patrol Task Force personnel vehicles  
15 filled the 1100 block of E. Pine St. and the closest we could get with my vehicle was the northwest  
16 corner of 12<sup>th</sup> Ave. and E. Pine St., where I used the PA system to issue immediate dispersal orders.  
17 I set the PA system volume to "9," which is about the loudest it will go without producing loud  
18 feedback or squelch.

19 31. Lieutenant Dymont and A/Lieutenant Moore moved the crowd westbound on Pine  
20 St. Per the SPOC Log, at approximately 2348 hours officers reportedly took another bottle, which  
21 I understand means someone threw a bottle at them, and munitions were deployed in response.

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1 Per the SPOC Log, at approximately 2349 hours a female was reportedly in the crowd with bear  
2 spray and moments later officers encountered more rocks and bottles. Additionally, there was a  
3 report that an individual in a pink hoodie threw a fire extinguisher at an officer.

4 32. As the officers moved the crowd westbound on E. Pine St., we eventually  
5 repositioned my vehicle to the 900 block of E. Pine St., where I gave additional dispersal orders.

6 33. At about 2355 hours, we turned the crowd northbound onto Broadway Ave. and  
7 continued to keep them moving to prevent them from turning back and mounting further attacks.  
8 At about this time, I saw the SWAT team's Bearcat moving northbound on Broadway Ave. just  
9 north of E. Pine St. I decided to leave my vehicle and board the Bearcat so I could use its more  
10 powerful PA system. Per the SPOC Log, at approximately 2358 hours I issued dispersal orders in  
11 the 1000 block of Broadway Ave.

12 34. Officers continued moving the crowd northbound on Broadway Ave. and then  
13 westbound on Denny St. I was trailing behind in the Bearcat giving dispersal orders. Just as I  
14 reached Denny St., I looked westbound on Denny St. and observed a loud item explode. I  
15 immediately called it out on the Radio as a mortar deployed against the officers, but then I  
16 questioned whether it might have been a blast ball. When I did so, someone confirmed that it was  
17 in fact a mortar. About this time, there were other reports via Radio that officers were taking  
18 bottles and rocks. Per the SPOC Log, at approximately 0013 hours the protesters reportedly had  
19 a dumpster and were going to roll it down Boylston Ave. Similar to what we experienced earlier  
20 in the evening, people in the crowd were placing various loose items into the roadway to block our  
21 path, including but not limited to metal garbage cans and plastic recycle bins. Per the SPOC Log,

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1 at approximately 0023 hours officers were reportedly taking water bottles and moments later rocks,  
2 again meaning those items were being thrown at them.

3 35. As we continued following behind the group, we started encountering additional  
4 fires in the roadway, which officers attempted to extinguish using Cold Fire and/or fire  
5 extinguishers. One of these fires got so large we had to summon the fire department. Later we  
6 were informed that there was an individual in the crowd with a blow torch, who was intentionally  
7 setting the fires. The Intel personnel were trying to identify that person's location but I do not  
8 believe we ever managed to apprehend them.

9 36. Per the SPOC Log, at approximately 0030 hours I gave a dispersal order at Belmont  
10 Ave. and Pine St. I had been alternating my announcements between the standard SPD dispersal  
11 order and the following statement, "*I am declaring this an unlawful assembly due to Criminal*  
12 *Mischief occurring in the crowd. People are [I explained that people had committed assaults on*  
13 *officers, including throwing bottles, rocks, and mortars at them and had set fires in the*  
14 *intersections] and we can no longer distinguish them from others to hold them personally*  
15 *accountable. If you are a Legal Observer, Press, a Medic and/or you were here to peacefully*  
16 *protest then take this opportunity to leave the area now.*" At some point, we followed part of the  
17 group to the intersection of Bellevue Ave. and Pike St., where I observed an officer deploy a blast  
18 ball using an overhand motion. However, I did not see what precipitated that use of force.

19 37. Per the SPOC Log, at approximately 0032 hours Lieutenant Brooks advised that a  
20 group was westbound from Harvard Ave. and Pike St. and he estimated there were about forty  
21 people left. Per the SPOC Log, at approximately 0034 hours Lieutenant Brooks announced that a

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1 group was down to about thirty people and they were entering Cal Anderson Park. Per the SPOC  
2 Log, at approximately 0036 hours someone was reportedly throwing rocks and bottles from the  
3 Cal Anderson Park Playfield. The suspect was identified and arrested.

4 38. Per the SPOC Log, at approximately 0050 there were reportedly twenty to twenty-  
5 five protesters following the bicycle officers out of the park. Per the SPOC Log, at approximately  
6 0105 hours the situation appeared stable and the Patrol Task Force Units were released back to  
7 their respective precincts.

8 39. While I was outside the East Precinct, I noticed a significant amount of graffiti on  
9 the brick wall surrounding the facility. The graffiti included the following: "1312" which I later  
10 learned is a cryptic way of saying ACAB, which typically stands for All Cops Are Bastards. There  
11 was also "COPS KILL" and "BITCHES" and "BLACK LIVES" and "COWARDS." I asked a  
12 Lieutenant about the graffiti and he explained that all of it was new except the word, COWARDS.

13 40. Throughout our dispersal efforts, I heard numerous radio broadcast regarding  
14 people throwing bottles, rocks, and or mortars at officers but given my proximity to the front lines,  
15 I do not always see those attacks nor do I always see our officer's responses. I heard various  
16 explosive sounds, but it is not always clear whether it was a blast ball or a mortar, especially when  
17 I am sitting in my vehicle or the Bearcat and reading the standard SPD dispersal order or the  
18 alternative statement noted above via the PA system.

19 41. On September 24, 2020, at approximately 0108 hours, I was outside the East  
20 Precinct when I received a phone call from Assistant Chief Mahaffey. A/C Mahaffey explained  
21 that he needed to meet with me at the West Precinct. Upon returning to the West Precinct, I met

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1 with A/C Mahaffey in my office where he instructed me to play a video posted on the SPD Twitter  
2 page that was evidently recorded sometime during the Capital Hill protest. The video showed SPD  
3 bicycle officers moving forward to address a crowd of protesters in the 900 block of E. Pine St.  
4 and an unknown bicycle officer was jogging alongside his or her bicycle before his or her tires ran  
5 over the head of a protester who was lying down in the roadway. The video was found here:  
6 <https://twitter.com/SeattlePD/status/1309030498619060225>

7 42. Based on my review of the video, it appeared as if the officer may have committed  
8 a serious policy violation related to the use-of-force. I contacted Acting Captain Carpenter from  
9 the Force Investigation Team ("FIT"), briefed him on the situation, and emailed him the link to  
10 the video. He reviewed the video and then called me back. After further consultation with him  
11 and A/C Mahaffey, it was decided that FIT personnel would respond to investigate the incident.

12 43. At some point, I learned that the subject in the video was arrested for Failure to  
13 Disperse and Obstructing a public officer. I viewed photos of the suspect which showed he had  
14 some blood on his right elbow and some marks across his face. I was told that when the suspect  
15 was asked about the marks on his face, he explained that they were from some type of paint or  
16 other item he had on his face that evening. I returned to my office and directed Lieutenant Dymant  
17 to have additional photos taken of the subject and have SFD respond to evaluate him. Lieutenant  
18 Dymant explained that the subject was not claiming to have any injuries beyond the cut on his  
19 elbow and he was getting agitated because he had not been transported to jail yet.

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1           44. Per FIT Acting Captain Carpenter's directions, I arranged for transport of the  
2 bicycle officer to the FIT Office where he would meet A/Captain Carpenter. The FIT was  
3 responding, and I completed my shift.

4           45. I later became aware that FIT referred the matter to the Office of Police  
5 Accountability ("OPA"). OPA requested an external criminal investigation, which I learned is  
6 being conducted by the King County Sheriff's Office.

7  
8           I declare under penalty of perjury under the law of the United States that the foregoing is  
9 true and correct.

10           SIGNED in Seattle, Washington this 1st day of October, 2020.

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12             
13           CAPTAIN MATT ALLEN

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